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OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
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VIA EMAIL AND REGULAR MAIL

MEMORANDUM

TO: All Parties to D.T.E. 02-26

FROM: Paula Foley, Hearing Officer

DATE: August 16, 2002

RE: Verizon's Withdrawal of April 10, 2002 Tariff Filing

On April 10, 2002, Verizon filed with the Department a tariff proposing reductions in the Department-approved rates for local switching and transport usage. On May 9, 2002, the Department suspended Verizon's tariff for further investigation. Since that time, no action has been taken in the D.T.E. 02-26 proceeding. On August 15, 2002, Verizon sent a letter to the Department and the parties to D.T.E. 02-26 requesting that the Department permit Verizon to withdraw its April 10, 2002 tariff filing. Pursuant to 220 C.M.R. § 1.04(4)(a):

A party may withdraw an initial pleading filed with the Department at any time prior to the commencement of a hearing on such pleading. A notice of withdrawal of pleadings shall be served on the Department and on each party in accordance with 220 CMR 1.05(1).

I will consider Verizon's August 15, 2002 letter to be a notice of withdrawal prior to commencement of a hearing under 220 C.M.R. § 1.04(4)(a). Therefore, as the tariff filing is withdrawn, the investigation in D.T.E. 02-26 is hereby closed. As the investigation is now closed, I do not rule on the outstanding petition to intervene in D.T.E. 02-26 of ChoiceOne Communications. If you have any questions, please contact me at (617) 305-3608.